

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YUSSUF ABDULLE,

Petitioner,

V.

JEFFREY A UTTECHT,

Respondent.

CASE NO. C19-37-MJP-BAT

**ORDER FOR SERVICE § 2254
PETITION, ANSWER, AND
APPOINTMENT OF COUNSEL**

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently

incarcerated at the Coyote Ridge Corrections Center and is subject to the Court's Mandatory E-Filing Initiative under General Orders 02-15 and 06-16. The Court, having reviewed petitioner's federal habeas petition, hereby finds and ORDERS as follows:

(1) Service

The Clerk is directed to send to respondent and to the Attorney General of the State of Washington, via e-mail, copies of the petition and of this Order. The Clerk shall also direct a copy of this Order and of the Court's *pro se* instruction sheet to petitioner.

(2) Appointment of the Federal Public Defender

The Court appoints the Federal Public Defender for the Western District of Washington (FPD) as counsel for the Petitioner. The Clerk shall provide copies of the

1 petition, and this Order to: Michael Filipovic, Federal Public Defender, Federal Public
2 Defender's Office, 1601 Fifth Avenue, Suite 700, Seattle, Washington 98101. The FPD shall
3 confer with Petitioner. The Court's order of appointment will stand unless the FPD informs the
4 Court by **February 8, 2019**, that Petitioner objects to the Court's order appointing the FPD and
5 requests the appointment order be rescinded.

6 (3) Answer

7 Within *sixty three (63)* days after service, the Respondent shall file and serve an answer
8 in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District
9 Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted
10 available state remedies and whether an evidentiary hearing is necessary. Respondent shall not
11 file a dispositive motion in place of an answer without first showing cause as to why an answer is
12 inadequate.

13 (4) Noting Answer

14 The answer will be treated in accordance with LCR 7. Accordingly, on the face of the
15 answer, Respondent shall note it for consideration on the fourth Friday after filing. Petitioner's
16 response and Respondent's reply shall be filed as set forth in LCR 7(d).

17 (5) Filing by Parties

18 All attorneys admitted to practice before this Court must file documents electronically via
19 the Court's CM/ECF system. All filings must indicate in the upper right hand corner the name of
20 the magistrate judge to whom the document is directed.

21 The parties are advised that when the total of all pages of a filing exceeds fifty (50) pages
22 in length, a paper copy of the document (with tabs or other organizing aids as necessary) shall be
23

1 delivered to the Clerk's Office for chambers. The chambers copy must be clearly marked with
2 the words "Courtesy Copy of Electronic Filing for Chambers."

3 (6) Motions

4 Any request for court action shall be set forth in a motion, properly filed and served in
5 accordance with LCR 7.

6 (7) Direct Communications with District Judge or Magistrate Judge

7 No direct communication is to take place with the District Judge or Magistrate Judge with
8 regard to this case. All relevant information and papers shall be directed to the Clerk.

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10 DATED this 18th day of January, 2019.

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13 BRIAN A. TSUCHIDA
United States Magistrate Judge